

REMARKS/ARGUMENTS

Favorable reconsideration of this application, as presently amended and in light of the following discussion, is respectfully requested.

Claims 1-11 are pending in the present application. Claims 1, 3-4 and 10 are amended by the present amendment to correct minor informalities noted in the Office Action. No new matter is presented.

The present Amendment is submitted in accordance with the provisions of 37 C.F.R. § 1.116(b)(1) which permits entry of amendments after Final Rejection that comply with any requirement of form expressly set forth in a previous Office Action. As the present Amendment addresses objections to informalities in Claims 1, 3-4 and 10 that were raised in the outstanding Office Action, the present Amendment is not believed to introduce any new issues. Accordingly, it is respectfully requested that the present Amendment be entered.

In the Office Action, Claims 1-11 are objected to because of minor informalities; Claims 1-5 and 10-11 are rejected under 35 U.S.C. § 103(a) as unpatentable over Yoshihara et al. (U.S. Pat. 5,172,233, herein Yoshihara) in view of Kaneko et al. (U.S. Pat. 6,600,511, herein Kaneko) and Kitaguchi et al. (U.S. Pat. 6,038,074, herein Kitaguchi); Claims 6-8 are rejected under 35 U.S.C. § 103(a) as unpatentable over Yoshihara in view of Kaneko, Kitaguchi and Namerikawa et al. (U.S. Pat. 6,089,090, herein Namerikawa); and Claim 9 is rejected under 35 U.S.C. § 103(a) as unpatentable over Yoshihara in view of Kaneko, Kitaguchi and Hasegawa (U.S. Pat. 5,900,927).

Regarding the objection to Claims 1-11, Claims 1, 3-4 and 10 are amended as recommended in the Office Action. Accordingly, Applicants respectfully request that the objection to Claims 1-11 be withdrawn.

The Office Action rejects Claims 1-11 under 35 U.S.C. § 103, citing Kitaguchi as a basis for each of the outstanding rejections. Applicants respectfully traverse the outstanding

rejections under 35 U.S.C. § 103, as Kitaguchi is not available as prior art under 35 U.S.C. § 103, as next discussed.

As outlined in the response filed October 13, 2008, which resulted in the withdrawal of Kitaguchi as reference in the Office Action of January 23, 2009, Kitaguchi qualifies as prior art only under 35 U.S.C. §102(e), as the present application's priority date (June 22, 1999) antedates the publication date (March 14, 2000) of Kitaguchi. To the extent Kitaguchi is relied upon for the rejections of Claims 1-11, Applicants respectfully traverse these rejections.

As Kitaguchi is §102(e) art, the obviousness rejection is deficient under 35 U.S.C. §103(c) as explained below.

Applicants submit that the present application and Kitaguchi were, at the time the present invention was made, owned by, or subject to an obligation of assignment to Ricoh Company, Ltd. Accordingly, application of Kitaguchi in any obviousness rejection is improper.<sup>1</sup>

As the above noted rejections under 35 U.S.C. § 103(a) rely on Kitaguchi, Applicants respectfully submit these rejections are traversed as Kitaguchi may not be applied as a basis for supporting a *prima facie* case of obviousness as outlined by 35 U.S.C. §103(c).

Accordingly, Applicants respectfully request that the rejection of Claims 1-11 under 35 U.S.C. §103 be withdrawn.

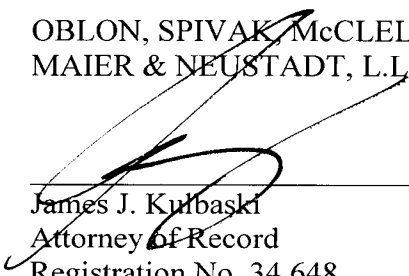
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<sup>1</sup> See MPEP § 2146.

Consequently, in view of the present amendment and in light of the foregoing comments, it is respectfully submitted that the invention defined by Claims 1-11 patentably defines over the applied references. The present application is therefore believed to be in condition for formal allowance and an early and favorable reconsideration of the application is therefore requested.

Respectfully submitted,

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